

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS (a d/b/a of)
R. Joseph Franzese), R. JOSEPH FRANZESE,)
individually and d/b/a SECOND AMENDMENT)
ARMS, ROBERT M. ZIEMAN, SR.,)
and TONY KOLE,)

Plaintiffs,

V.

CITY OF CHICAGO, a municipal corporation,)
 RAHM EMANUEL, in his official capacity as)
 Mayor of the City of Chicago, GARRY)
 McCARTHY, Superintendent of Police of the City)
 of Chicago, and SUSANA MENDOZA, City Clerk)
 of the City of Chicago,)

Defendants.

Case No: 1:10-CV-4257

Hon. Robert M. Dow, Jr.
U.S. District Court Judge

Hon. Sheila M. Finnegan
U.S. Magistrate Judge

MOTION FOR EXTENSION OF TIME TO FILE RESPONSE
TO MOTION TO DISMISS

NOW COME the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, Robert M. Zieman, Sr., and Tony Kole, by and through undersigned counsel, and move this Honorable Court to grant Plaintiffs an extension of time to file their Response to Defendants' Motion to Dismiss their Fourth Amended Complaint. In support thereof, Plaintiffs state as follows:

1. This action alleges violations of the Plaintiffs' constitutional rights owing to certain of Defendants' past and present regulations regarding the sale of firearms in Chicago.

2. Plaintiffs filed a pending Fourth Amended Complaint, to which Defendants filed a Motion to Dismiss. Plaintiffs' Response is due February 19, 2015.

3. Due to Plaintiffs' counsel's caseload, namely a Summary Judgment Reply brief due on March 13, 2015 in *Blickle v. Illinois Department of Children and Family Services*, 12-CV-9795 (N.D.IL), and another Summary Judgment Reply brief due on February 19, 2015 in *Radich v. Deleon Guerrero*, 1:14-CV-20 (D.NMI), Plaintiffs are unable to complete the Response by the due date, despite efforts to do so.

4. Plaintiffs previously received an extension to this date, but had counsel properly weighed the other immediate demands as noted above, Plaintiffs would have requested more time in the first place.

5. Therefore, Plaintiffs are requesting an additional 10 days, or by March 1, 2015, to file the Response to the pending Motion to Dismiss.

6. Defendant's counsel presumably will wish 21 days, or until March 22, 2015 to file a Reply brief, to which Plaintiffs are not opposed.

7. This Motion is not filed for dilatory purposes or for delay, but only so that Plaintiffs may fully present their arguments before the Court.

8. The electronic signature of counsel below shall serve as an F.R.Civ.P. 11 certification of the facts contained herein.

WHEREFORE, the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, Robert M. Zieman, Sr., and Tony Kole, by and through undersigned counsel, request this Honorable Court grant them an extension of time until March 1, 2015 to file a Response to the Motion to Dismiss, as well as any and all further relief as this Court deems appropriate, including granting Defendants until March 22, 2015 for a Reply brief.

Respectfully submitted,

/s/ David G. Sigale

Attorney for Plaintiffs

David G. Sigale, Esq. (#6238103)
LAW FIRM OF DAVID G. SIGALE, P.C.
799 Roosevelt Road, Suite 207
Glen Ellyn, IL 60137
630.452.4547
dsigale@sigalelaw.com

CERTIFICATE OF ATTORNEY AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

1. On February 19, 2015, the foregoing document was electronically filed with the District Court Clerk *via* CM/ECF filing system;
2. Pursuant to F.R.Civ.P. 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ David G. Sigale
Attorney for Plaintiffs

David G. Sigale, Esq. (#6238103)
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Glen Ellyn, IL 60137
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dsigale@sigalelaw.com